

III. REMARKS

In the Office Action, claim 21 was rejected under 35 U.S.C. 101 because the claim language is interpreted as being directed to non-statutory subject matter as explained in the Office Action.

Objection was made to all of claims 1-22 in that claim 21 did not limit the claim from which it depends, and that the format of various claims should be corrected as set forth in the Office Action.

Claims 1-22 were rejected under 35 U.S.C. 112 as being indefinite for reasons set forth in the Office Action.

Claims 1-3, 7-12, and 14-22 were rejected under 35 U.S.C. 102(e) as being anticipated by Tuomela (US Pat. Applic. Pub. 2001/0031633), claim 13 was rejected under 35 U.S.C. 103 as being unpatentable over Tuomela, and claims 4-6 were rejected under 35 U.S.C. 103 as being unpatentable over Tuomela in view of Silverman (US 6,035,031) for reasons set forth in the Office Action.

The claims have been amended to overcome the rejections under 35 U.S.C. 112, as well as the objections raised against the claims. The format of the independent claims has been modified to provide the paragraph indentations requested by the examiner. In claim 21, the amendatory language includes the computer-readable medium, noted by the examiner, and also recites the function of "establishing and making a check for a communications connection", this language appearing also at the beginning of Claim 1. Support for terminology of the amendment to claim 21 is found in the present specification on page 7 at lines 12-16, and also on

page 8 at lines 4-9. Claim 22 is amended to conform to the amended claim 21.

Furthermore, the independent claims 1, 4, 9, 14 and 16 have been amended to distinguish the present invention from the teachings of the cited art, considered individually or in combination, by emphasizing the following feature of the invention, which feature appears in amended claim 1. Before an attempt to establish the communications connection proper with the receiving party, there is a making of a check, via communication with the file arrangement, for the calling party concerning the ability of the receiving party to receive a message sent by the calling party.

It is noted that the examiner indicated that certain text in the preamble may not be given patentable weight (Office Action, bottom of page 3). In view of the clarification of the claims, it is requested that the examiner reconsider the previous grounds of rejection.

The following argument is presented to distinguish the claims, as amended, from the teachings of the cited art, thereby to overcome the foregoing rejections and to show the presence of allowable subject matter in the claims.

The teachings of the two cited references are distinguishable from the teaching of the present invention. With respect of the teaching of Tuomela, the caller can obtain the context information of the receiving party only after an unanswered call (paragraphs 0008, 0009, 0019, 0020 and 0022). In the present invention, the first action is to check the context information from the activity log before any real connection establishment

steps with the receiving party (page 3 at lines 16-24 and page 6 at lines 18-27).

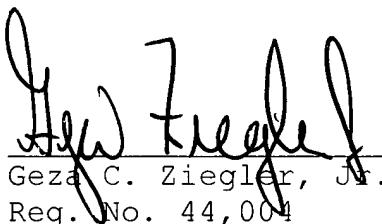
The rejection of Claims 4-6 as being unpatentable over Tuomela in view of Silverman is traversed respectfully. Silverman clearly speaks about a call-back function if the original call attempt is not successful. In the caller's point of view, this differs from the practice of the present invention. In the present invention, the caller makes a decision to call again if the called party is available according to the information obtained from the activity log of the invention. In Silverman, the situation is reversed. The previously called party makes a new connection attempt. This is not always what the original caller can accept if also he/she is busy. Therefore, combining Silverman with Tuomela does not provide the teaching of the present invention.

It appears that the examiner may have interpreted prior claim language "before establishing the communication connection proper" to include also a situation where the caller first makes a call attempt which is not answered (the call is not connected). The amendatory language, such as that noted above in claim 1, is believed to clarify that before any other connection step, when establishing the desired communication connection proper, there will be made a check within the activity log of the receiving party to determine if the connection is possible or not. It is believed that this distinction between the teachings of the cited art and the practice of the present invention is apparent from the amendatory language inserted in each of the independent claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$120.00 is enclosed for a one-month extension of time. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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15 June 2005

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